

**MAY 18 2006**

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U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

PRINCESSITA TALUCOD PAHUTAN,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 05-74245

Agency No. A72-172-463

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted May 15, 2006\*\*

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Princessita Talucod Pahutan, a native and citizen of the Philippines,  
petitions for review of an order of the Board of Immigration Appeals denying her  
motion to reopen proceedings on her application for cancellation of removal. The

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\* This disposition is not appropriate for publication and may not be cited to or by  
the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral  
argument. *See* Fed. R. App. P. 34(a)(2).

Board had previously affirmed an immigration judge's determination that Petitioner failed to demonstrate the requisite exceptional and extremely unusual hardship to Petitioner's lawful permanent resident mother.

We lack jurisdiction to review the Board's discretionary determination that Petitioner's motion to reopen still failed to meet the evidentiary burden of establishing the requisite exceptional and extremely unusual hardship to Petitioner's lawful permanent resident mother. *Fernandez v. Gonzales*, 439 F.3d 592, 601 (9th Cir. 2006) (holding that if the Board determines that a motion to reopen proceedings, in which there has already been an unreviewable discretionary determination concerning a statutory prerequisite to relief, does not make out a prima facie case for that relief, section 242(a)(2)(B)(i) of the Immigration and Nationality Act precludes our revisiting the merits).

**PETITION FOR REVIEW DISMISSED.**